

Appl. No.: 09/913,378; Group Art Unit: 1731  
Response dated June 22, 2006  
Reply to December 23, 2005 Office Action

Remarks

The foregoing amendments and following remarks are responsive to the December 23, 2005 Office Action. Reconsideration is respectfully requested.

Status of the Claims

Claims 10, 19-20, 22 and 24 are amended. Claims 28 to 35 are added. Claims 1-9 were cancelled previously. Claims 10-35 are pending.

Support for Amendments/Added Claims

The title is amended as requested by the Examiner. Claim 10 is amended to clarify the invention. Claims 19-20 and 22 are amended to change dependency. Claim 24 is amended to include the term "claim". Support for added claims 28-35 is found throughout the specification, and particularly on page 5, lines 3-25 and Table 1 on page 26. No new matter is added.

Rejection under 35 U.S.C. § 103(a)

Claims 10-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,207,014 (de Haut). Claim 10 is amended to clarify the invention.

De Haut (column 5, lines 59-66) describes a softening composition for paper which contains (a) 35 to 90% by weight of saturated linear fatty alcohols having 18-24 carbon atoms; (b) 1 to 50% by weight of wax esters containing 24 to 48 carbon atoms; (c) 0 to 20% by weight of non-ionic emulsifiers; and (d) 0 to 50% by weight of mineral oil.

With regard to Claim 10 (and Claims 11-16 which depend therefrom), de Haut fails to teach or suggest an emulsion consisting essentially of: (i) a polyol poly-12-hydroxystearate; (ii) a wax ester; and (iii) a wax. All of de Haut's compositions include a

saturated fatty alcohol.

With regard to new Claim 28 (and Claims 29-30 which depend therefrom), de Haut also fails to teach or suggest an emulsion comprising: (i) a polyol poly-12-hydroxystearate; (ii) an unsaturated wax ester; and (iii) a wax. De Haut fails to teach or suggest the claimed combination which includes an unsaturated wax ester. Presuming, arguendo, that unsaturated wax esters are contemplated by de Haut, the teaching of de Haut leads one skilled in the art to use a saturated waxy ester, particularly since all the waxy esters disclosed by de Haut are saturated (col. 7, lines 6-12 and lines 27-31, col. 9, lines 35-43, col. 12, lines 3-6 of de Haut).

With regard to new Claim 31 (and Claims 32-33 which depend therefrom), de Haut also fails to teach or suggest an emulsion comprising: (i) about 5 to 25% by weight of a polyol poly-12-hydroxystearate; (ii) about 50 to 90% by weight of an unsaturated wax ester; and (iii) about 5 to 25% by weight of a wax (the weight percentage of each component is based on the weight of the emulsion). De Haut fails to teach or suggest the claimed combination which includes an unsaturated wax ester. As discussed above, none of the esters disclosed by de Haut is unsaturated.

With regard to new Claim 34 (and Claim 35 which depends therefrom), de Haut also fails to teach or suggest an emulsion comprising: (i) a polyol poly-12-hydroxystearate; (ii) an unsaturated wax ester selected from the group consisting of glycerol oleate, oleyl erucate, oleyl oleate and mixtures thereof; and (iii) a wax. De Haut fails to teach or suggest the claimed combination which includes an unsaturated wax ester as discussed above. In addition, no unsaturated esters are disclosed by de Haut, such as, for example, glycerol oleate, oleyl erucate, oleyl oleate and mixtures thereof as claimed.

De Haut fails to teach, suggest or provide motivation to one skilled in the art at the time of the invention to achieve an emulsion (1) "consisting essentially of" the components in Claim 10; (2) comprising an unsaturated wax ester as in Claims 28 and

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31; and (3) comprising an unsaturated wax ester selected from the group consisting of glycerol oleate, oleyl erucate, oleyl oleate and mixtures thereof as in Claim 34 with any reasonable expectation of success.

Therefore, the subject matter of Claims 10-35 is not rendered obvious in view of de Haut. In view of the lack of teaching, suggestion or motivation from de Haut, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

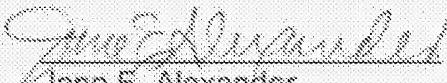
Fees

A Petition for a Three-Month Extension of Time is enclosed. No additional fees are believed due, but the Commissioner is authorized to charge (or credit any balance) any fees deemed due (or owing) to Deposit Account No. 50-1177.

Conclusion

It is respectfully submitted that Claims 10-35 are in condition for allowance. A Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is urged to contact Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

  
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